

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Patent Appeals and Interferences

PATENT  
APPLICATION

In re PATENT APPLICATION of

Inventor(s): Bright et al.

Appln. No.: 09

Series Code ↑

405,839

Serial No. ↑

Group Art Unit: 1635

Examiner.: L. Nguyen

Atty. Dkt. P 0263754

M#

Client Ref

Filed: September 27, 1999

Title: Improved Plant Germplasm

Date: April 2, 2002

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated October 2, 2001 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable).
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity" statement filed: ☐ herewith. ☐ previously.
6. ☐ Fee **NOT** required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

## 7. FEE CALCULATION

	Large/Small Entity	Fee Code
If box 1 above is X'd, ..... enter	\$320/160	\$320 119/219
If box 2 above is X'd, ..... enter	\$320/160	\$0 120/220
If box 3 above is X'd, ..... enter	\$280/140	\$0 121/221
If box 4 above is X'd, ..... enter nothing	- 0 - (no fee)	
<b>8. Original due date: January 2, 2002</b>		
9. Petition is hereby made to extend the original due date (1 mo) \$110/\$55		115/215
to cover the date this response is filed for which the (2 mos) \$400/\$200		116/216
requisite fee is attached. (3 mos) \$920/\$460		117/217
(4 mos) \$1,440/\$720		118/218
(Usable only if box 2 is X'd--- 5 mos) \$1,960/\$980	+\$920	128/228
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above		
Original due date (item 8 ); <input checked="" type="checkbox"/> with concurrently filed amendment .....	-\$920	
11. <b>Subtract line 9 from line 8 and enter: Total Extension Fee</b>		+\$0
12. <b>TOTAL FEE ATTACHED =</b>		\$320

(Our Deposit Account No. 03-3975)

(Our Order No. 070608 0263754

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

04/03/2002 HGBREM1 00000039 09405839

02 FC:119

320.00 0P

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

1600 Tysons Boulevard  
McLean, VA 22102  
Tel: (703) 905-2000

By: Atty: Robert W. Hahl

Reg. No. 33,893

Sig: [Signature]

Fax: (703) 905-2500

Tel: (703) 905-2251

Atty/Sec: RWH/kmh

**NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments**